

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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ONE STOCKDUQ HOLDINGS, LLC,

Plaintiff,

vs.

NO. 2:12-cv-03037-JPM-tmp

BECTON, DICKINSON AND COMPANY,

Defendant.

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**UNOPPOSED MOTION AND MEMORANDUM FOR LEAVE TO FILE REPLY BRIEF  
IN SUPPORT OF MOTION TO TRANSFER PURSUANT TO 28 U.S.C. § 1404(a)**

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Defendant Becton, Dickinson and Company (“BD” or “Defendant”) respectfully moves for leave to file a reply brief in support of its Motion to Transfer Action Pursuant to 28 U.S.C. § 1404(a) for the convenience of the parties and witnesses and in the interest of justice.

BD seeks leave to file such a reply to respond fully to certain arguments and assertions made by plaintiff One StockDuq Holdings, LLC (“Plaintiff”) in its Response in Opposition to Motion to Transfer Action filed on February 11, 2013 (Dkt. 24). BD seeks to address in its proposed reply, without limitation, (a) Plaintiff’s failure to establish that this matter has any particular connection to the Western District of Tennessee, much less a connection sufficient to overcome the direct and obvious connection to the District of Utah; (b) Plaintiff’s unsupported assertions concerning the location of relevant witnesses and documents; and (c) Plaintiff’s general misapplication of the factors the Court must balance in determining whether the case should be transferred pursuant to 28 U.S.C. § 1404(a). BD seeks permission to file such a reply on or before February 21, 2013, or within seven (7) days of the Court’s entry of an order on this Motion for Leave to File Reply Brief, whichever is later.

As noted on the accompanying Certificate of Consultation, Plaintiff, through its counsel, does not oppose BD's request for leave to file a reply brief. Pursuant to the Local Rules of this Court, BD is also submitting a proposed order to the Court via email.

Respectfully submitted,

BURCH, PORTER & JOHNSON, PLLC

s/ Douglas F. Halijan

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### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document was forwarded via the Court's electronic filing system to Joel T. Beres, Esq., James R. Michels, Esq., William C. Ferrell, Jr., Esq., Melissa Hunter Smith, Esq., and Kevin P. Hartley, Esq., of Stites & Harbison, PLLC, 401 Commerce Street, Suite 800, Nashville, TN 37219-2376, this 13<sup>th</sup> day of February, 2013.

s/ Douglas F. Halijan